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PATENT APPLICATION

IN THE U.S. PATENT AND TRADEMARK OFFICE

August 18, 2004

Applicant(s): Yukinobu NISHINO, et al.

For: ROTARY WEIGHT FILLER

Serial No.: 10/717 262                      Group: 3751

Confirmation No.: 7709

Filed: November 19, 2003                      Examiner: Douglas

International Application No.: -

International Filing Date: -

Atty. Docket No.: Aikawa C-32

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

REQUEST FOR CONSIDERATION OF PREVIOUSLY FILED  
INFORMATION DISCLOSURE STATEMENT

Sir:

In response to the Notice of Allowance mailed July 20,  
2004, Applicants provide a copy of a previously submitted  
Information Disclosure Statement as discussed below.

- - - - -

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being  
deposited with the United States Postal Service with  
sufficient postage as first class mail in an envelope  
addressed to: Commissioner for Patents, P.O. Box 1450,  
Alexandria, VA 22313-1450, on August 18, 2004.

*Brian R. Tumm*

Brian R. Tumm

REMARKS

Applicants appreciate the allowance of the above-identified patent application. However, there is no indication that the Information Disclosure Statement filed with the application on November 19, 2003 has been considered.

For the reasons set forth in the previous Response and discussed below, initialing and return of the attached copy of Form PTO-1449 is respectfully requested.

The Office Action dated March 26, 2004 stated that the Information Disclosure Statement was not considered because it failed to provide a translation of a foreign document. There is, however, a description of the listed prior art reference JP Patent Publication No. 2002-104303 (JP '303) at page 2, the first and second paragraphs of Applicants' specification. Furthermore, an English translation of the JP '303 Abstract was provided with the Information Disclosure Statement.

Under USPTO rules the Information Disclosure Statement should have been considered for the following reasons.

37 CFR § 1.98(a)(3)(1) discusses the requirements of non-English language documents submitted with an Information Disclosure Statement. 37 CFR §1.98(a)(3)(i) requires a concise explanation of the relevance of a non-English document. A concise explanation is provided in Applicants' specification at page 2 as discussed above. Further, 37 CFR §1.98(a)(3)(ii) requires "a copy of the translation if a written English-language translation of a non-English-language document, or portion thereof, is within the possession, custody or control of, or is readily available to any individual designated in section 1.56(c)". Thus, the submitted English Abstract for JP '303 was provided with the Information Disclosure Statement and provides a portion of the translation.


MPEP §609 III (A)(3) at page 600-122 requires a concise explanation of relevance for non-English language information. Once again, there is no requirement to provide an entire complete translation of a non-English language document.

As discussed above and in the previous Response, all of the requirements for consideration of JP '303 have been fully met by both the discussion of JP '303 in Applicants' specification and by the English abstract provided with the Information Disclosure Statement filed November 19, 2003. Therefore, review and initialing of the attached copy of Form PTO-1449 is respectfully requested.

For the Examiner's convenience, a copy of JP '303 and the English translation of the Abstract are attached herewith.

Applicants await an initialed copy of Form PTO-1449.

Respectfully submitted,



Brian R. Tumm

BRT/ad

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	Brian R. Tumm	Reg. No. 36 328
	Steven R. Thiel	Reg. No. 53 685
	Donald J. Wallace	Reg. No. 43 977
	Sidney B. Williams, Jr.	Reg. No. 24 949

Encl: Copy of Express Mailing Certificate and Patent  
Application Transmittal dated November 19, 2003  
Copy of Information Disclosure Statement, Form PTO-1449  
and reference cited thereon  
Postal Card

110.0703



PATENT APPLICATION

"Express Mail" Mailing Label No.: EL 961 107 892 US

Date of Mailing: November 19, 2003

Applicant(s): Yukinobu NISHINO et al.

Title: ROTARY WEIGHT FILLER

Serial No.: Unknown

Confirmation No.: Unknown

Filed: Unknown

Atty Docket No.: Aikawa 32

**MAILED TO PATENT OFFICE**  
**DATE** NOV 19 2003

Mail Stop Patent Application  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

EXPRESS MAILING CERTIFICATE

Sir:

I hereby certify that the attached paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

FLYNN, THIEL, BOUTELL & TANIS, P.C.

By: *Anna Shipper*

Date: 11/19/03

Document(s) attached: Patent Application Transmittal  
dated November 19, 2003 (in duplicate)  
including enclosures listed thereon

Telephone: (269) 381-1156

191.05/03

 **COPY**



PATENT APPLICATION

IN THE U.S. PATENT AND TRADEMARK OFFICE

November 19, 2003

Express Mail No. EL 961 107 892 US

Applicant(s): Yukinobu NISHINO et al.

For: ROTARY WEIGHT FILLER

Serial No.: Unknown

Group: Unknown

Confirmation No.: Unknown

Filed: Unknown

Examiner: Unknown

Atty. Docket No.: Aikawa 32

Mail Stop Patent Application  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

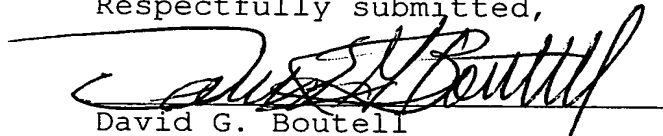
INFORMATION DISCLOSURE STATEMENT

Sir:

In compliance with the provisions of Rules 1.97(b)(1) and 1.98, enclosed herewith is Form PTO-1449 and the reference cited thereon. This reference is mentioned in Applicants' specification. Further comment at this point in time should not be necessary.

Further consideration is respectfully solicited.

Respectfully submitted,



David G. Boutell

DGB/kc

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& TANIS, P.C.

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Reg. No. 36 589

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Reg. No. 37 714

Reg. No. 53 685

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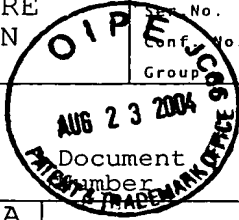
Encl: Form PTO-1449 and reference cited thereon

110.0703

 **COPY**

INFORMATION  
DISCLOSURE  
CITATION

Applicant: Yukinobu NISHINO et al.  
 Ser. No.: Unknown Filed: Unknown  
 Conf. No.: Unknown Atty. Ref.: Aikawa 32  
 Group: Unknown



## U.S. PATENT DOCUMENTS

Examiner  
Initial\*

Date

Name

Class

Sub  
ClassFiling  
Date

	AA					
	AB					
	AC					
	AD					
	AE					
	AF					
	AG					
	AH					
	AI					
	AJ					
	AK					

## FOREIGN PATENT DOCUMENTS

Document  
Number

Date

Country

Class

Sub  
ClassTranslation  
Yes No

	AL	2002-104303	04/10/2002	JAPAN	ENGLISH ABSTRACT ATTACHED		
	AM						
	AN						
	AO						
	AP						

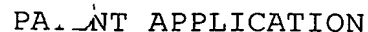
## OTHER DOCUMENTS (Including Author, Title, Date, Pages, Etc.)

	AR	
	AS	

EXAMINER

DATE CONSIDERED

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to Applicant.



Attorney Docket No.: Aikawa 32

November 19, 2003

Sir:

Transmitted herewith for filing is the patent application of:

Inventor(s) : Yukinobu NISHINO, Tatsuhiro NAKADA,  
Akihiko KAKIMOTO and Yutaka SHIMIZU

Title : ROTARY WEIGHT FILLER

Please direct correspondence to the address associated with the following customer number:

23474

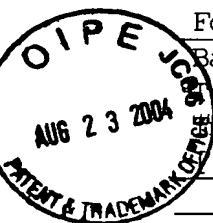
FLYNN, THIEL, BOUTELL & TANIS, P.C.  
(FIRM)

Enclosed are:

- [X] Specification, Claims and Abstract
- [X] Declaration or Oath
- [X] 2 Drawing Sheets                [X] Formal  
                                        [ ] Informal
- [ ] Preliminary Amendment Cancelling Claims (Please enter before calculating the filing fee.)
- [ ] Amendment Before First Office Action
- [X] Information Disclosure Statement
- [ ] Small entity status is claimed. See 37 CFR 1.27.  
[ ] Statement(s) re small entity is/are enclosed.
- [X] Assignment, with Recordation Form Cover Sheet
- [X] Acknowledgment Postal Card
- [X] Priority is claimed under 35 USC 119 based on Japanese Application No. 2002-338309, filed November 21, 2002.
- [X] A certified copy of the priority application is enclosed.

 **COPY**

The filing fee is calculated as shown below, after entering any enclosed Amendment which requests entry before such calculation:



For	No. Filed	No. Extra	(X) LG Entity	RATE	( ) SM Entity	Fee
Basic Fee				\$770.00	\$385.00	\$770.00
Total Claims	(8 - 20 = 0)		x \$ 18.00		x \$ 9.00	0.00
Indep. Claims	(1 - 3 = 0)		x \$ 86.00		x \$ 43.00	0.00
Multiple Dep. Claim			+ \$290.00		+ \$145.00	0.00
* * * TOTAL FILING FEE * * *						\$ 770.00

☒ A Check for \$810.00 is enclosed to cover fees.

☐ Please charge my Deposit Account No. 06-1382 in the amount of \$\_\_\_\_\_. A duplicate copy of this sheet is enclosed.

☒ The Commissioner is hereby authorized to charge payment of the following fees associated with this communication or to credit any overpayment to Deposit Account No. 06-1382. A duplicate copy of this sheet is enclosed.

☒ Any additional filing fees required under 37 CFR 1.16

☐ Any application processing fees under 37 CFR 1.17

☐ Pursuant to 37 CFR 1.52, the enclosed application is in the form of a foreign language text:

☐ An English translation and a statement that the English translation is accurate are enclosed.

☐ Please notify the undersigned of the due date for submitting an English translation and a statement that the English translation is accurate.

☐ An enclosed check includes the \$130.00 fee (37 CFR 1.17k) for processing a foreign language text.

Please direct all telephone calls to the undersigned at telephone number (269) 381-1156.

Respectfully submitted,  
FLYNN, THIEL, BOUTELL & TANIS, P.C.

IN DUPLICATE

David G. Boutell

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Reg. No. 25 072

Encl: Listed above

100.10/03